

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

PHILLIP D. BURDICK,

Petitioner,

v.

JOHN MARSHALL, Warden,

Respondent.

No. C 08-0366 WHA (PR)

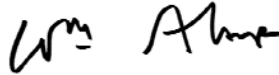
**ORDER OF TRANSFER**

This is a habeas case filed pro se by a state prisoner. He was convicted in the Superior Court of Monterey County, which is in this district, and is housed at California Men's Colony, San Luis Obispo, which is in the Central District.

Venue is proper in a habeas action in either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d); however, the district of confinement is the preferable forum to review the execution of a sentence. Habeas L.R. 2254-3(a); *Dunne v. Henman*, 875 F.2d 244, 249 (9th Cir. 1989). The petition is directed to the twenty-second denial of parole to petitioner by the Board of Parole Hearings. Because petitioner's challenge goes to the execution of his sentence, this petition is **TRANSFERRED** to the United States District Court for the Central District of California. See 28 U.S.C. § 1404(a) and Habeas L.R. 2254-3(b).

**IT IS SO ORDERED.**

Dated: January 28, 2008.

  
WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE